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Certified by the Supreme Court
of NJ as a Civil Trial Attorney

July 12, 2017

Via E-filing

Hon. Michael A. Shipp, U.S.D.J.
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street Room 2020
Trenton, NJ 08608

*Re: Bernat v. NJDOC, et al. Civil Action No. 12-2649
Guidance Following Remand from Third Circuit*

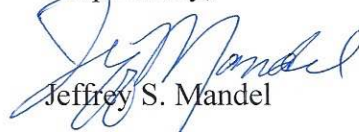
Dear Judge Shipp:

On behalf of Plaintiff Christine Bernat, we respectfully request guidance from the Court on how to proceed following a remand from the Third Circuit Court of Appeals. The Third Circuit issued its certified copy of the judgment order earlier today.

This case arises out of confirmed repeated sexual assaults of Ms. Bernat by a corrections officer while she was in prison. Ms. Bernat appealed an Order granting summary judgment to parties referred to as the State Defendants. Early in the litigation, we obtained default against one of the corrections officers, Defendant Bennett, but not default judgment. The Third Circuit dismissed the appeal for lack of jurisdiction because, without default judgment or final dismissal of Defendant Bennett, the case did not resolve all issues as to all parties. The State Defendants also questioned the finality of dismissals of two other Defendants.

I did not locate a rule on how to proceed on a remand from a case with a docket entry "Civil Case Terminated" as opposed to, for example, an Order of Dismissal. I thus respectfully request instruction from the Court on whether a formal motion is required, whether a different route is preferred, or if the Court would first prefer to schedule a case management conference.

Respectfully,


Jeffrey S. Mandel